United Nations A/HRC/25/G/22

General Assembly

Distr.: General
4 April 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 5
Human rights bodies and mechanisms

Note verbale dated 28 March 2014 from the Permanent Representative of Canada to the United Nations Office at Geneva addressed to the President of the Human Rights Council

The Permanent Mission of Canada to the United Nations Office at Geneva presents its compliments to the Office of the President of the Human Rights Council, and has the honour to transmit herewith a letter dated 21 March 2014 from the Ambassador and Permanent Representative of Canada to the United Nations Office and to the Conference on Disarmament addressed to the President of the Human Rights Council (see annex).

The Permanent Mission of Canada kindly requests that the present note verbale and the letter attached thereto* be circulated as a document of the twenty-fifth session of the Human Rights Council under agenda item 5, and that it also be posted on the website of the Council.

* Reproduced as received, in the language of submission only.

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Annex

[English only]

Letter dated 21 March 2014 from the Permanent Representative of Canada to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Further to the concerns I raised with you at yesterday's Western Europe and Other's Group meeting about the importance of the President of the Human Rights Council continuing to be a champion for the full and safe participation of civil society representatives in our collective work, I am writing to express the Government of Canada's serious concern regarding the alleged intimidation of a Canadian national, Ms Ti-Anna Wang, on March 19, 2014 during the Council session on China's UPR adoption.

The Government of Canada is extremely troubled by this case – which we view as an act of potential intimidation against Ms. Wang.

Based on the information we have received to date, we understand that a representative of an ECOSOC accredited organization called "China Association for Preservation and Development of Tibetan Culture" took pictures of Ms Ti-Anna Wang, her computer screen and belongings in the Council Chamber. This is in direct contravention of warnings posted in Room XX.

We appreciate the quick reaction of UN Security in escorting the individual out of the Chamber, verifying that such pictures had indeed been taken and requiring their deletion. Unfortunately, it appears that the NGO representative in question was then allowed to return to the Council.

The role of civil society in the effective functioning of the Human Rights Council is fundamental, and has been emphasized by the Council on several occasions including in HRC resolution 5/1. Your leadership therefore in ensuring a safe and enabling environment is vital. In this regard, I would like to respectfully request that you:

(1.) Make a public statement in the HRC condemning any form of intimidation and harassment of civil society representatives;

(2.) Ensure that this incident is investigated by UNOG to determine whether the NGO in question should have their credentials reviewed;

(3.) Bring this incident to the attention of the relevant UN mechanisms dealing with reprisals against human rights defenders.

I would like to express my appreciation for your attention to this issue, and would ask that you circulate this and the annex thereto as a document of the Human Rights Council under Agenda Item 5.

Please accept, Excellency, the assurances of my highest consideration.

(*Signed*) Elissa Golberg
Ambassador, Permanent Representative

United Nations A/HRC/25/G/23

General Assembly

Distr.: General
4 April 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda items 3 and 4
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Human rights situations that require the Council's attention

Letter dated 26 March 2014 from the Permanent Representative of the Republic of Armenia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I refer to the letter dated 24 February 2014 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council (A/HRC/25/G/14).

Unfortunately it has become commonplace for the Permanent Mission of Azerbaijan to distribute periodically verbatim repetitions of unbridled propaganda of the authorities of Azerbaijan against my country, such as the letter circulated as a document of the nineteenth session of the Human Rights Council, which was then copied and pasted into a document of the twenty-second session, and now issued again at the twenty-fifth session.

The Republic of Armenia has already responded both verbally and by circulation of the information prepared by the Ministry of Foreign Affairs of the Nagorno Karabakh Republic (see A/HRC/19/G/10 and A/HRC/22/G/16) to the manipulation of the facts by the Government of Azerbaijani, which continuously misleads the international community, speculates on the memory of the victims and uses the tragic events of Khojaly for its own political purposes, in every way to discredit the Armenian side.

We reiterate our position that the Human Rights Council is not a place to continuously deliver false statements, political speculations and distorted facts, nor to involve other States in endless sessions of mutual accusations on the basis of the principle that "a lie repeated continuously becomes the truth".

The military operation aimed at neutralizing the military base in Khojaly and lifting the blockade around the airport started on 25 February 1992 at 11.30 p.m., and ended on 26 February, at 3 a.m. The units of the Nagorno Karabakh Republic self-defence forces left a humanitarian corridor for the civilians to safely leave the zone of the military operations, of which the Azerbaijani side had been informed in advance. The corridor extended from the

eastern end of Khojaly to the north-east, along the Karkar river, and from the north end of the settlement to the north-east. However, the Azerbaijani authorities did nothing to evacuate the civilian population from the zone of military activities. The area, where photographs were subsequently taken of the numerous bodies of the civilians killed, is situated three kilometres from the town of Aghdam and 11 kilometres from Khojaly. The area had been under uninterrupted control by Azerbaijani units until the fall of Aghdam in the summer of 1993, which excluded any access to that area for the units of the Nagorno Karabakh army.

Following the "logic" of the letter by the Permanent Representative of Azerbaijan, I would like to refer once again to the publications in the media, including Azerbaijani sources, of that period of time, presenting the truth about the events in Khojaly.

According to Azerbaijani journalist M. Safarogly, "Khojaly occupied an important strategic position. The loss of Khojaly was a political fiasco for Mutalibov".

A month after his resignation, Mutalibov gave an interview to Czech journalist Dana Mazalova, which was published in *Nezavisimaya Gazeta*. Speaking of Khojaly, Mutalibov noted:

> According to the Khojaly inhabitants who escaped, all this was organized to remove me. Some forces acted to discredit the President. I don't think that the Armenians, who act very skilfully and carefully in similar situations, could let the Azerbaijanis gain any documents exposing them in fascist actions[.] The general reasoning is that a corridor for the people to escape was really left by the Armenians. Then why did they need to fire? Especially in an area near Aghdam, where there were sufficient forces able to come out and help people.

About 10 years later, the former president of Azerbaijan confirmed his opinions in an interview with the magazine *Novoye Vremya*, saying that "the massacre of Khojaly inhabitants was obviously organized by somebody with the aim of a cout d'état in Azerbaijan".

The independent Azerbaijani cameraman Chingiz Mustafayev, who took pictures on 28 February and 2 March 1992, had doubts about the official Azerbaijani version and began his own inquiry. The journalist's very first report to the Moscow news agency *D-press* on the possible complicity of the Azerbaijani side in the crimes cost Mustafayev his life: he was killed nor far from Aghdam, in circumstances yet to be explained.

Azerbaijani human rights activist Arif Yunusov wrote in *Zerkalo Azerbaijani* in July 1992 that "the town and its inhabitants were deliberately sacrificed to political goals".

Mukhalifat Azerbaijani, a newspaper, reported on 28 April 1992 that Tamerlan Karaev, then the Chairman of the Supreme Soviet of the Azerbaijani Republic, had stated that "the tragedy was committed by the Azerbaijani authorities, specifically by a top official".

Heydar Aliev himself admitted that "the former leadership of Azerbaijan is also guilty" for the Khojaly events. Yet in April 1992, according to the Bilik Dunyasi agency, he expressed an extremely cynical idea, saying "we will benefit from the bloodshed. We shouldn't interfere in the course of events".

Later, when representatives of the Popular Front came to power, the former Azerbaijani Minister for National Security, Vagif Guseynov, stated shortly before his arrest that "the events of January 1990 in Baku and the events in Khojaly are the doing of the same people", hinting at certain political figures from the Azerbaijani Popular Front (APF).

In February 2005, Azerbaijani journalist Eynulla Fatullaev from the independent magazine *Monitoring* spent 10 days in the Nagorno Karabakh Republic, describing his visit

in his materials and interviews. He also dared to doubt the truthfulness of Baku's official version on the death of some Khojaly inhabitants:

> Once, 10 years ago, I met with the Khojaly refugees temporarily living in Naftalan, who frankly told me that, a few days before the attack, the Armenians, with the aid of loudspeakers, kept warning the population of the scheduled operation, suggesting that the civilians leave the settlement and break out of encirclement via a humanitarian corridor, along the Karkar River. Even according to the Khojaly people, they took advantage of this corridor and the Armenian soldiers on the other side of the corridor didn't really open fire on them[.] Getting acquainted with the geographical area, I can confidently say that the inventions on the lack of an Armenian corridor have no grounds. The corridor really existed; otherwise, the Khojaly people, fully encircled and isolated from the outer world, couldn't have broken out of the encirclement. But, having passed the area beyond the Karkar River, the refugees split up into groups and, for some reason, some of them made their way to Nakhijevanik. Apparently, the APF battalions sought more blood on their way to Mutalibov's removal rather than the liberation of the inhabitants of Khojaly."

On 2 March 2005, a few days after the publication by *Monitoring* of Eynulla Fatullaev's first report from Karabakh, the magazine editor, Elmar Guseynov, was shot at the entrance to his house in Baku by an unknown person. Eynulla Fatullaev was convicted on the basis of a series of accusations, including of high treason.

The former Minister for Defence of Azerbaijan, Ragim Gaziev, also confirmed that "a trap was prepared for Mutalibov in Khojaly". In this way, the organizers of the massacre of Khojaly inhabitants achieved two goals at the same time: they removed Mutalibov, who was no longer useful after the collapse of the Soviet Union, and found a reason to launch a loud campaign accusing Armenians of inhuman war methods. The fact that, since 13 February 1992, the Azerbaijani army had been systematically firing Grad rockets aimed at destroying the town of Stepanakert with its 55,000 inhabitants and other nearby Armenian settlements was ignored.

In an interview to Helsinki Watch on 28 April 1992, a Khojaly woman said that "the Armenians delivered an ultimatum [...] that it was better for the Khojaly inhabitants to leave the town with a white flag. Alif Gajiev (leader of the Khojaly defence) informed us about it on 15 February (10 days before the attack), but this didn't frighten either me or the rest. We didn't believe at all that they would be able to capture Khojaly."

After the warnings, however, the majority of the civil population of Khojaly, being informed of the planned operation, decided to move to a safe place. The mass migration of the Khojaly population was widely covered by Azerbaijani television and radio. The Azerbaijani mass media deliberately expressed a negative attitude to those leaving Khojaly denigrating them constantly. We should note that Khojaly, which was turned into a town, was first left just by the people who had been forcedly moved there, mainly Meskhetian Turks, though they were constantly obstructed. Moreover, the municipal administration of Khojaly, which had been warned by the Armenian party, asked for assistance to evacuate the population, but in vain. The mayor of Khojaly in an interview with the newspaper *Megapolis-Express* (Moscow), stated that, "after getting the news on the expected operation on the capture of the town, I asked Aghdam to send helicopters for the evacuation of the elderly, women and children. We were assured that an operation to break the encirclement was being prepared. But no assistance was provided." However, a board member of the Aghdam branch of the APF, R. Gajuev, stated "we could have helped the Khojaly people, having the right forces and abilities. But the republican leaders wanted to demonstrate to the people that they had no forces, and wished to call upon the CIS Army again to help also to suppress the opposition with its support."

Summarizing the above-mentioned, we can state that the inhabitants of Khojaly became hostage of the dirty games played by the Baku authorities, who later turned this tragedy into political capital for manipulations. By regularly launching the issue of Khojaly, Baku tries to draw the attention of the international community away from the massacres of its own citizens of Armenian origin in Sumgait, Baku, Kirovabad, Khanlar and other settlements of Azerbaijan, throughout the territory of which open extermination of Armenians had actually been carried out long before the beginning of military actions. It also took place in the border settlements of the Nagorno Karabakh Republic, in particular in Maragha village where, in April 1992, the invading subunits of the Azerbaijani regular army fiercely killed about 100 civilians.

Unfortunately, these cases were completely forgotten and passed over in silence in the letter of the Permanent Representative of Azerbaijan.

Meanwhile, I would like to comment on the sole new paragraph in the letter of the Permanent Representative of Azerbaijan, in which he attempts to build up a "solid legal base" for imaginary and completely false accusations. I am glad that the Azerbaijani side has studied the Convention on the Prevention and Punishment of the Crime of Genocide and found out the meaning of the term genocide. I hope the Mission of Azerbaijan has also studied the etymology and history of the creation of this term, by Raphael Lemkin, who, while defining the crime of genocide, referred to the very policy of mass extermination perpetrated against the Armenians in Ottoman Turkey. This knowledge will definitely be helpful for the Azerbaijani authorities when they are held accountable before their people and hopefully face trial for the crimes committed by them against the Azerbaijani population of Khojaly.

I would appreciate it if you could circulate the present letter as a document of the twenty-fifth session of the Human Rights Council under the agenda items 3 and 4.

(*Signed*) Charles Aznavour
Ambassador, Permanent Representative

United Nations A/HRC/25/G/24

General Assembly

Distr.: General
4 April 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 28 March 2014 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide herewith the comments of the Government of Greece in relation to the written statement submitted by the "Federal Union of European Nationalities", a non-governmental organization in special consultative status (A/HRC/25/NGO/20), submitted to the Human Rights Council at its twenty-fifth session, under agenda item 3.*

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and the text annexed thereto as a document of the twenty-fifth session of the Human Rights Council.

* Reproduced as received, in the language of submission only.

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Annex

[English only]

Referring to the written statement submitted by the NGO "Federal Union of European Nationalities", under agenda item 3, of the 25th Session of the Human Rights Council, Greece would like to raise, for information of any interested third party, the following points:

1. The incorrect reference to the muslim minority in Thrace

All Greek citizens, including members of the muslim minority in Thrace, have the absolute right for individual self-identification. However, the muslim minority in Thrace is defined by its religious identity. It is not an ethnic or national minority. It consists of three distinct groups whose members are Greek citizens of Turkish, Pomak, and Roma origin and cultural background.

The Muslim faith is the common denominator of the three distinct groups of the minority. Each of these components has its own spoken language, cultural traditions and heritage. Greece is fully committed to safeguarding their distinct character. Efforts to subordinate the Pomaks and Roma under the Turkish component undermine their particular identity. Such a claim contravenes the 1923 Treaty of Lausanne where explicitly the Minority is defined as a muslim one.

2. The use of the word "Turkish" by the associations of the minority

Freedom of association is unequivocally, firmly and broadly protected by the Greek Constitution. A large number of muslim minority associations and NGO's are officially registered and freely operate in Thrace. Three associations that are not officially registered, because their statute was found by the courts incompatible with the Greek legislation, have brought their cases before the European Court of Human Rights. The judgments rendered were in favour of the associations.

Currently the Greek authorities are considering the appropriate ways and means to implement the ECHR decisions, including possible legislative adjustments. It should be noted that even the above mentioned three association who are still not recognised, do engage freely in numerous activities without any impediment.

3. The muslim charitable foundations

Although the request for the elections of the members of the three main management committees of the awkaf was met, the implementation of the law is pending. Additional ways are being explored to address the concerns raised by some minority members with regard to specific provisions of the law. Moreover, the Greek State has introduced specific measures to address issues of financial nature of the muslim foundations. They were exempted from land and income taxes with regard to their properties used for charitable purposes. Their accumulated debts, fines and mortgages were written off (in 2007).

4. Education

The Greek government maintains policies implemented to uphold the right to education for muslim minority students. The State continues to provide strong support to minority schools, while, at the same time, the increasing preference of Muslim minority students for the public educational system has been appropriately accommodated.

According to the legislation in force, pre-school education of one year is mandatory. This is a prerequisite for all children in order to enter primary schools. The authorities have tried to accommodate parents whose children did not manage to attend pre-school for a justifiable reason.

5. The issue of Muftis and the so called "elected Muftis"

It is well established that there is no unique method internationally for the elections of the Muftis. Each sovereign country, be it muslim or non-muslim, has the right to establish its own process, provided that is in accordance with islamic traditions and religious rights and freedoms. Such a framework is in place in Thrace; the religious leaders of the muslim minorities are being selected, through fully transparent and inclusive procedures, by a pool of esteemed teachers of islam that are members of the minority. The minority as a whole is involved in this procedure.

The Greek State is involved at the very last stage of this process and only after the selection has been made. The reason of the State's involvement is linked to the judicial responsibilities that the Muftis exercise, in addition to their religious duties, by virtue of the right to apply the Sharia Law. In an effort to improve this framework, we are examining possible ways of introducing new elements that would allow an even more representative and transparent process for the selection of the Muftis.

The "elected Muftis " are not officially recognized. Despite signs of evident disrespect to the existing legislation and an often provocative attitude, the state does not obstruct their religious and other activities.

Greek citizens that are members of the Muslim minority are given the option of invoking the Sharia Law, in family inheritance matters. This is a unique case in Europe and we are often criticised by international human rights bodies, such as the Commission on the Status of Women.

6. Muslim preacher (Koran teachers)

The amendment of the law on muslim preachers addresses basic religious needs of our muslim co-citizens as indicated by the minority itself. It is a forward looking initiative because, for the first time, muslim minority students, who attend public schools in increasing numbers, will have the opportunity, if they so wish, to study the holy Koran in public schools.

The entire philosophy of the law is based on the right of the muslim preachers to freely choose whether they want to join the scheme and to benefit from the improved status given to them.

The same applies to the minority students and the teaching of the holy Koran in public schools. The children (or their parents) can freely decide whether they wish or not to attend the classes.

Moreover, it should be noted that the Muslim preachers who will teach the holy Koran are selected, through a fully transparent and inclusive procedure, by a qualified five member Committee, composed exclusively of eminent muslim personalities.

The ongoing campaign to present a different picture on the pretext of alleged state involvement in the religious freedom of the minority, smacks of political expediency and is misleading. Greece remains committed to safeguard the respect and protection of freedom of religion or belief, which constitutes a fundamental right for every human being, regardless of his/her origin , cultural background or conviction.